

UNITED STATES DISTRICT COURT

for the

Southern District of FloridaCivil DivisionFILED BY ATO D.C.

NOV 13 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI**Jennifer Grappell, et al.**

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

**Department of Education
Secretary Miguel Cardona**

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) Yes No**COMPLAINT FOR A CIVIL CASE****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Jennifer Grappell</u>
Street Address	<u>10390 S.W. 130th Street</u>
City and County	<u>Miami, Miami-Dade</u>
State and Zip Code	<u>Florida 33176</u>
Telephone Number	<u>(321) 872-8222</u>
E-mail Address	<u>SHADY741@ME.COM</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name Miguel Cardona
Job or Title (*if known*) Department of Education Secretary
Street Address 400 Maryland Avenue, SW
City and County Washington, District of Columbia
State and Zip Code District of Columbia 20202
Telephone Number (202) 401-2000
E-mail Address (*if known*) _____

Defendant No. 2

Name _____
Job or Title (*if known*) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (*if known*) _____

Defendant No. 3

Name _____
Job or Title (*if known*) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (*if known*) _____

Defendant No. 4

Name _____
Job or Title (*if known*) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (*if known*) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

**42:1986 Neglect of Duty/ Refusal to perform duties
18 U.S. Code §1510 Obstruction of Justice
Title IX of The Education Amendments of 1972**

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under
the laws of the State of *(name)* _____, and has its
principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____,
and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

As seen in Exhibit A, I have been fighting for justice since 2015 when it comes to my son's & my own own civil rights. Since the Department of Education has documented their neglect of duty since 2016, I am asking the court to compensate the both of us starting from 2016 until the day we reach settlement.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Please see Attachment A.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Please see Attachment B.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

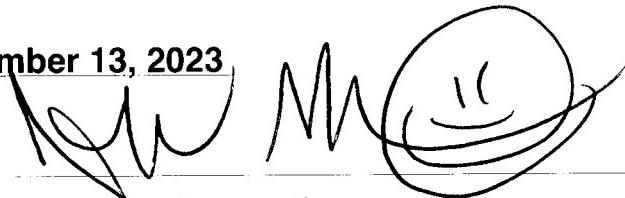
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

November 13, 2023

Signature of Plaintiff



Printed Name of Plaintiff

Jennifer Grappell**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

EXHIBIT A!

June 20, 2022

Jennifer Grappell
10390 SW-130th Street
Miami, Florida 33176
Via electronic mail only: Shady741@me.com

RE: May 24, 2022 correspondence to Secretary Miguel Cardona

Dear Ms. Grappell:

The U.S. Department of Education, Office for Civil Rights (OCR) received the correspondence that you sent to Secretary Miguel Cardona on May 24, 2022. Your letter to Secretary Cardona attached your letter to Manny Diaz, the Commissioner of the Florida Department of Education. You seek assistance with the complaints that you filed with OCR on behalf of your son against the Miami-Dade School District. In addition, you seek support for the passage of King's Law.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d, *et seq.*, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin by recipients of Federal financial assistance, and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. The District receives Federal financial assistance and is subject to these laws.

OCR's records reflect that you filed three OCR complaints against the Miami-Dade School District; your complaints allege that the District discriminated against your son and also retaliated against you. OCR reviewed each of your complaints consistent with OCR's *Case Processing Manual*. OCR records reflect that you filed Complaint #04-16-1426 on May 2, 2016 and OCR dismissed your complaint on July 31, 2017. On February 9, 2019, you filed Complaint #04-19-1221 and OCR dismissed this complaint on March 26, 2019. Finally, you filed Complaint #04-17-1522 on July 26, 2017. In your Complaint #04-17-1522, you alleged that the District discriminated against you and your son and also retaliated against you. On October 16, 2017, OCR opened the following issues for investigation:

- 1) Whether the District retaliated against you and your son because you made numerous discrimination complaints, in noncompliance with the Title VI implementing regulation at 34 C.F.R. § 100.7(e), as follows:
 - a. on March 18, 2016, the School Principal banned you from the school;
 - b. on May 26, 2016, a police officer used a "wand" on your son;
 - c. on March 20, 2017, the School Resource Officer failed to write-up a female student for throwing a milk carton and hitting your son in the chest;

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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Control #: 22-005874

~~EXHIBIT A2~~

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- d. on May 22, 2017, your son was not permitted to present his 3rd grade book report to his class;
 - e. on August 9, 2017, the School Board escorted your and your family out of a School Board meeting.
- 2) Whether the District subjected you and your son to racial harassment, in noncompliance with the Title VI implementing regulation at 34 C.F.R. § 100.3, as follows:
- a. on March 18, 2016, the School Principal banned you from the school;
 - b. on May 26, 2016, a police officer used a “wand” on your son;
 - c. on March 20, 2017, the School Resource Officer failed to write-up a female student for throwing a milk carton and hitting your son in the chest;
 - d. on May 22, 2017, your son was not permitted to present his 3rd grade book report to his class;
- 3) Whether between October 2015 thru August 2017, the District failed to respond to your sexual harassment complaints, of which the District had notice, in noncompliance with the Title IX implementing regulation at 34 C.F.R. § 106.8.

As of this date, your Complaint #04-17-1522 remains under investigation by OCR. During its investigation, OCR reviewed data provided by you and the District. In addition, OCR conducted interviews with District witnesses and interviewed you regarding your complaint allegations. OCR also conducted a rebuttal interview with you in response to the District’s position statement during the investigation. Finally, you advised OCR in January 2021 that your son declined OCR’s request to interview him regarding the above-referenced complaint allegations. Once OCR completes its investigation of OCR Complaint # 04-17-1522 consistent with OCR’s *Case Processing Manual*, OCR will issue its written determination to you and the District. OCR expects to complete its investigation by September 30, 2022.

If you have additional questions or concerns, please do not hesitate to contact OCR Atlanta by phone at 404-974-9406 or email at OCR.Atlanta@ed.gov.

Sincerely,



Jana L. Erickson
Jana Erickson
Program Manager

III. Statement of Claim (Attachment A)

1. Three complaints were filed with the Department of Education Office for Civil Rights. All three complaints are victims of the Defendants' gross negligence. As seen in Exhibit A, the third complaint (#04-17-1522) was filed on July 26, 2017 & still remains under investigation by Department of Education Office for Civil Rights. Also seen in Exhibit A, a written determination regarding Complaint #04-17-1522 was promised to Plaintiff by September 30, 2022. Gross negligence opens the front door to obstruction of justice. It rolls out the red carpet for intentional discrimination. It also allows crimes to be swept under the carpet & be concealed! Accountability & transparency evaporate when gross negligence is involved in any circumstance. The Department of Education's systemic failures within the Office for Civil Rights are well documented & warrant relief for the Plaintiff.

IV. Relief Statement (Attachment B)

I. PUNITIVE DAMAGES

The Department of Education Office for Civil Rights has **failed to deliver its written determination that was due by September 30, 2022**. Plaintiff is requesting the court to order The Department of Education Office for Civil Rights to deliver their written determination for Complaint #04-17-1522 within 14 days of the Judge's Order. Failure to provide Plaintiff with Defendant's written determination will result in doubling the amount of money awarded in compensatory damages. In addition to doubling the money awarded, the court should urge Secretary Miguel Cardona to resign immediately if he is unable to supply Plaintiff with a letter of written determination. The Defendant would then document his intentional discrimination against the Plaintiff, including his lack of ethics & integrity.

II. GENERAL & COMPENSATORY DAMAGES (ACTUAL DAMAGES)

In Exhibit A, The Department of Education Office for Civil Rights lists three issues that they have open for investigation (starting on bottom of page one and continues on to top of page two). **Plaintiff can prove all allegations listed in the three issues. All allegations have dozens of sworn affidavits & videos to prove them as FACTS.** Since there are two victims in this case, each victim will be paid for the pain and suffering since May 2, 2016 until a settlement is reached. My son was sexually violated on October 12, 2015. There are police reports to document this, along with D.C.F. documentation as well. My son was 7 years old & in second grade when this occurred. My son is currently 15 years old & in tenth grade. Plaintiff is requesting a "set amount of money" for each victim starting from the first OCR case that was filed on May 2, 2016. **Each victim should be awarded the "set amount of money" for each year that the Defendant failed to deliver its written determination.**